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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,570	05/29/2001	Shinobu Ozeki	109663	3660

25944 7590 02/22/2006

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EXAMINER

POON, KING Y

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/865,570

Applicant(s)

OZEKI ET AL.

Examiner

King Y. Poon

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-9.

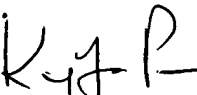
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


KING Y. POON
PRIMARY EXAMINER

Continuation of 3. NOTE: due to the fact that an optical signal might not be an image signal, and an image signal might not be an optical signal, the newly changed limitations of claim 1 appears to have changed the scope of the claimed invention and therefore, would require further considerations and/or search .

Attachment

Applicant's states that "During the personal interview, the Examiner clarified that the reader 500 of the first system 1 allegedly corresponds to the recited image output unit; the printer 600 of the second system I allegedly corresponds to the recited first function unit; the third system 1 allegedly corresponds to the second functional unit; and the fourth system 1 allegedly corresponds to the recited distribution-type optical signal transmission medium. Applicants respectfully assert that the Examiner is interpreting Shimizu too broadly because each device within a system 1 of Shimizu has a specific function (e.g., the reader 500 for reading data, and the printer 600 for outputting data), and thus a single system 1 is "multifunctional." Thus, only devices within a single "multifunctional" system 1 should be considered.

In addition, during the personal interview, in response to Applicants' representatives' arguments that the reader 500 of the first system 1 and the printer 600 of the second system 1 would not receive an optical signal by themselves, the Examiner shifted the interpretation that the first system 1 allegedly corresponds to the image output unit, and the second system 1 allegedly corresponds to the first functional unit."

In reply: The examiner denied that he initially indicates that the reader 500 of the first system 1 allegedly corresponds to the recited image output unit; the printer 600 of the second system I allegedly corresponds to the recited first function unit, and shifted the interpretation that the first system 1 allegedly corresponds to the image output unit; and the second system 1 allegedly corresponds to the first functional unit, during the interview conducted on 2/3/2006.

The examiner don't know why a person would recognize a "whole" third system 1 allegedly corresponds to a second function unit while only part of a second system 1 (printer 600) to be corresponded to the first function unit.

The examiner has clearly present that: 1) the first system 1 having a printer 600 allegedly corresponds to the image output unit, 2) the second system 1 having a reader unit 500 allegedly corresponds to the first functional unit, 3) third system 1 allegedly corresponds to a second function unit, and 4) the optical fiber network of column 3, lines 50-53 that allows optical signals from one system to reach the other systems are the optical signal transmission medium. Such presentation is presented to the applicant's representatives at all time during the interview. The examiner has not shifted interpretation of Shimizu during the entire interview.

With respect to applicant's argument that Shimizu does not teach a distribution type of medium, has been considered.

In reply: A medium, according to dictionary.com is a "an intervening substance through which something else is transmitted or carried."

Therefore, the optical network of Shimizu that allows optical signals to be transmitted or carried on from one system to other systems and vice versa are distribution type of medium.

Conclusion

Applicant is reminded that the original examiner that is working on this case is Examiner Pendergrass. An interpretation/position regarding the claimed limitations has

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been established by examiner Pendergrass in the first office action before examiner Poon preparing the office action mailed on 11/28/2005 and the interview conducted on 2/3/2006. During the final rejection and the interview conducted on 2/3/2006, Examiner Poon is using his best effort trying to present to the applicant the position established by examiner Pendergrass as understood by examiner Poon.

Some of example of the rationale used by examiner Poon to come up with the conclusion regarding examiner Pendergrass's position is: examiner Pendergrass (office action mailed on 1/12/2005, page 3, lines 7-9) pointed to column 3, lines 22-53 and stated that optical signal transmission medium is accomplished through optical fiber cables that network unit 1, unit 500, and unit 600 and other similar systems.

Column 3, lines 48-52, Shimizu states that "the image processing apparatus (hereinafter referred to as the system) consisting of the image forming generating unit 1, reader unit 500, and printer unit 600 is connected through optical fiber cables 700 with other similar system at short distances to constitute an optical fiber network for mutual communication of image information.

Similar system means each system/apparatus is having image forming generating unit 1, reader unit 500, and printer unit 600. Column 3, lines 48-52 clearly states that each system is communicating with other systems through optical fiber.

Therefore, the only logical conclusion examiner Poon can come up with is the interpretation that was presented to the applicant on 2/3/2006. Such presentation is based on the best effort by examiner Poon trying to see through Mr. Pendergrass's interpretation. See MPEP 704.01